

MINUTES of a meeting of the LICENSING COMMITTEE held in the Board Room, Council Offices, Coalville on WEDNESDAY, 10 NOVEMBER 2004.

Present: Councillor P A Hyde (Chairman) (In the Chair)

Councillors J G Coxon, P Holland, D Howe, J T Male, J B Webster and R Woodward.

Officers: Mr R Eaton, Mrs J E Peters and Ms E Warhurst.

Apologies for absence were received Miss M Lister and Councillors R A Evans and D H Wintle.

There were no declarations of personal or prejudicial interest.

The Chairman informed the Committee that he had agreed to accept an urgent item arising from the Hackney Carriage and Private Hire Forum meeting on Thursday, 4 November 2004. He intended to consider this matter after dealing with the other agenda business.

392. DRAFT STATEMENT OF LICENSING POLICY

... Consideration was given to the Council's Draft Statement of Licensing Policy (copy previously circulated and retained with the official copy of the minutes).

Mr Eaton presented the Statement of Licensing Policy and reminded members of the background to the policy's development. The draft included the results of the consultation exercise carried out by Perpetuity Research and Consultancy International under the Licensing Act 2003 and also took account of the comments made by members of the Licensing Committee when they had received a presentation from representatives of the company on the consultation.

Mr Eaton referred members to sections 6, 7, 8 and 9 of the draft which reflected the 4 licensing objectives and the measures which the Council deemed appropriate to meet those specific objectives.

Mr Eaton drew members' attention to several specific items in the draft policy. Section 3.9 defined Ashby de la Zouch town centre for the purposes of a special saturation policy: Page A13 addressed the subject of illegal sales of alcohol for persons under 18 years of age and section 10.20 of the policy referred to the role of taxis and private hire vehicles in the night time transport of people. On this particular point, he advised members that the Taxi and Private Hire Forum meeting had discussed this subject at their meeting on 4 November 2004. Representatives of the trade had suggested that supervision at the Council's taxi ranks during peak periods of demand would assist in the flow and the despatch of taxis with customers particularly when entertainment had finished and people were wanting to get home.

Chairman's initials

Members briefly discussed the trade's suggestion. There was some concern that an individual supervising the rank was exceedingly vulnerable especially when dealing with drunken and aggressive customers. Further comments were made on the possible funding of the provision via the Partnership in Safer Communities or by the taxi and licensing trades. It was also recognised that there may be some opposition to taking the first vehicle on a rank because the general public tended to operate a 'taxi selection' culture in the district.

With regard to the special saturation policy in Ashby de la Zouch town centre, a member asked what would be the effect on the application of the policy if several licensed premises were actually closed and the Council then received new applications to license additional premises. Mr Eaton explained the 'grandfather rights' under the Licensing Act 2003 and that the saturation policy concerned premises with alcohol licences. He pointed out that if the application was only for public entertainment then it could be argued that the saturation policy could not be used to refuse the application.

Under the prevention of crime and disorder, a member asked what requirements would apply to premises with more than one entrance. There was a concern that some premises with multiple entrances and exits did not operate any controls at some of those points. Mr Eaton replied that an applicant had to submit an operating schedule and a scale plan showing all exits and entrances to a premises. In turn, the operating schedule would need to address satisfactorily any concern raised about control at entrance points.

Members welcomed the inclusion of a section in the draft devoted to the illegal sales of alcohol for persons under 18 years of age. Members also noted the inclusion of "drinking-up time" and the provision of "chill out" facilities under the prevention of public nuisance section. Their mention was advisory rather than prescriptive.

The Chairman asked members of the Committee whether they wished to include a formal statement in the policy on the training given to members by the Council on the Licensing Act 2003. He felt that some mention in the policy of training would stress the importance of the Licensing Act and emphasise the role of members of the Licensing Authority in delivering and promoting the licensing objectives.

Members supported the inclusion of a statement on the training of the Council's Licensing Committee members.

Members sought some clarification on proposed fees for premises and personal licences. Members' thoughts were particularly centred on setting fees at a level that would achieve full recovery of the administrative, inspection and enforcement costs falling on the licensing authority and flexibility to waive or remit a fee for voluntary or charitable organisations. Mr Eaton advised members that it had been established that the fee levels would be set centrally by the Secretary of State but, before finalising the fee levels, the Department for Culture, Media and Sport (DCMS) had circulated a consultation paper on the fee levels to be established by regulation under the Licensing Act 2003. He circulated a copy of the consultation document to each member of the Committee. Mr Eaton pointed out that the DCMS had requested Council comments on the matters raised in the document by 23 December 2004 and the contents of the document would be listed for discussion at the next Licensing Committee meeting on Monday, 29 November 2004.

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Mr Eaton explained the next steps in the process of the adoption of the Council's Statement of Licensing Policy. It was noted that the final consideration and approval of the document would be at the Council meeting on Tuesday, 7 December 2004.

At the end of the discussion on the draft statement members of the Committee expressed their thanks to Mr Eaton and the Council's Licensing Section for their work in the preparation of the policy document.

393. THE GAMBLING BILL - LOCAL AUTHORITIES RESPONSIBILITIES

... Consideration was given to the letter from the Department for Culture, Media and Sport (copy previously circulated and retained with the official copy of the minutes).

Members noted the new responsibilities which would fall to local authorities as a result of the Government's proposed Gambling Bill. The main responsibility placed onto local authorities was the licensing of gambling premises and the issue of permits.

The Bill had been introduced to the House of Commons on 18 October and it was hoped that it would achieve Royal Assent in Spring 2005. The Gambling Bill had similar licensing objectives to the Licensing Act 2003.

Members were particularly pleased to note that money for start up costs would be included in the revenue support grant settlement for 2004/2005 and 2005/2006.

The following item was submitted to the meeting under Section 100B(4) of the Local Government Act 1972, the Chairman was of the opinion that it should be considered at the meeting as a matter of urgency.

394. ADVERTISING ON PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

Mr Eaton reported that the item originated from a discussion at the Hackney Carriage and Private Hire Forum on Thursday, 4 November 2004 where a driver had asked that the Forum discuss the Council's current advertisements on vehicles condition specifically in relation to rear windscreen advertising. The driver making the request had produced a sample advertisement at the meeting which could be displayed upon the rear windscreen but which allowed the driver to look through without hindrance or obstruction. The effect was that the advertisement was visible from outside the vehicle but invisible to anyone inside the vehicle.

In support of his request the driver also produced the vehicle conditions attached to licences issued by Derby City Council, Birmingham City Council and the City of Nottingham. These three licensing authorities permitted the display of advertisements upon the rear windscreen of vehicles.

The Council's current conditions only allowed advertising in the rear windscreen to a depth of 75mm from the upper edge or lower edge of the rear windscreen.

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RESOLVED:

That the District Council's hackney carriage and private hire conditions of licence in respect of advertisements be amended to allow for the provision of external advertisements on the rear windscreen of vehicles in a form which did not obscure the driver's rear view vision.

395. LICENSING COMMITTEE MEETING - 29 NOVEMBER 2004

Several members asked if it was possible to amend the commencement time for the next Licensing Committee meeting on Monday, 29 November 2004.

RESOLVED:

That the commencement time of the Committee meeting on Monday, 29 November 2004 be amended to 6.00pm.

The meeting terminated at 7.31pm.

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